

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

ST. PAUL FIRE AND MARINE INSURANCE  
COMPANY,

Plaintiff,

v.

TRANSAMERICA OCCIDENTAL LIFE  
INSURANCE COMPANY, et al.,  
Defendants.

Civil Action No. WDQ-02-3123

\* \* \* \* \*

**AFFIDAVIT IN SUPPORT OF MEMORANDUM IN  
OPPOSITION TO PLAINTIFF'S MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

DANIEL MARKEWICH, being duly sworn, deposes and says:

1. I am a member of the firm of Mound Cotton Wollan & Greengrass, attorneys for all defendants other than Transamerica and Principal Mutual in this action. I am admitted to practice in the State of New York and in the Second and Fourth Circuit Courts of Appeals and the United States District Courts for the Southern and Eastern Districts of New York.

2. I submit this affidavit solely to place certain exhibits before this Court in opposition to summary judgment.

3. Exhibit 1 is a true copy of an order of the Georgia Court of Appeals dated February 10, 2003.

4. Exhibit 2 is a true copy of the motion of appellees Gordon and Clarice Clark to dismiss appeal, or, in the alternative, to substitute parties, filed in the Georgia Court of Appeals.

5. Exhibit 3 is a true copy of appellant Security Life's response to appellees' motion to dismiss appeal, or, in the alternative, to substitute parties, filed in the Georgia Court of Appeals.

6. Exhibit 4 is a true copy of St. Paul's motion for reconsideration, filed in the Georgia Court of Appeals.

7. Exhibit 5 is a true copy of St. Paul's motion to dismiss, filed in the Georgia Court of Appeals.

8. Exhibit 6 is a true copy of St. Paul's brief in support of motions for reconsideration and to dismiss, filed in the Georgia Court of Appeals.

9. Exhibit 7 is a true copy of an order of the Georgia Court of Appeals dated February 24, 2003.

10. Exhibit 8 is a true copy of Security Life's opposition to St. Paul's motion for reconsideration, filed in the Georgia Court of Appeals.

11. Exhibit 9 is a true copy of St. Paul's reply brief in support of motion for reconsideration, filed in the Georgia Court of Appeals.

12. Exhibit 10 is a true copy of an order of the Georgia Court of Appeals dated March 14, 2003.

13. Exhibit 11 is a true copy of St. Paul's petition for certiorari, filed in the Georgia Supreme Court.

14. Exhibit 12 is a true copy of Security Life's response to St. Paul's petition for certiorari, filed in the Georgia Supreme Court.

15. Exhibit 13 is a true copy of an order of the Georgia Court of Appeals dated April 29, 2003.

16. Exhibit 14 is a true copy of St. Paul's motion to stay proceedings in the Georgia Court of Appeals pending disposition for writ of certiorari to this court, filed in the Georgia Supreme Court.

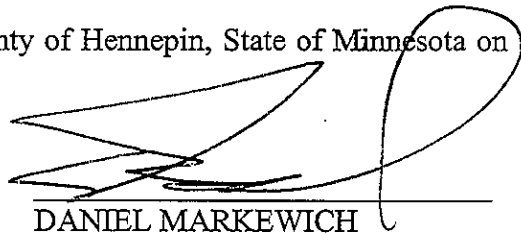
17. Exhibit 15 is a true copy of the indemnity agreement of Security Life and the special indemnity agreement of Security American Financial Enterprises, Inc. (SAFE).

18. Exhibit 16, collectively, is a true copy of the indemnity agreements of defendants herein.

19. Exhibit 17 is a true copy of a November 17, 2000 letter from Mound, Cotton & Wollan to St. Paul.

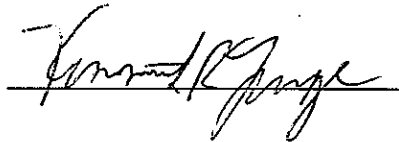
20. Exhibit 18 is a true copy of a November 26, 1996 letter from Mound, Cotton & Wollan to Security Life's attorneys.

21. Exhibit 19 is a true copy of a Stipulation and Order to Confirm Arbitration Award filed in the District Court, Fourth Judicial District, County of Hennepin, State of Minnesota on February 9, 2001.



DANIEL MARKEWICH

Sworn to before me  
this 19<sup>th</sup> day of May, 2003



**KENNETH R. LANGE**  
Notary Public, State of New York  
No. 02LA6079899  
Qualified in Nassau County  
Commission Expires September 3, 2006